

NORTH SHORE MANAGEMENT PLAN

Ordinance 27, Section 19

GOAL STATEMENT

The following goal statement is intended to serve as a guide for decision making on issues affecting the North Shore of Lake Superior. This statement reflects the thoughts and feelings of the citizens that diligently worked to develop the Shoreland Management Plan.

GOAL

To create a framework for public and private decision making affecting the North Shore lands and waters that:

1. Protects and enhances the natural resource of the North Shore
2. Provides economic opportunity for residents
3. Respects the needs and desires of the residents
4. Provides for a full mix of land uses without adverse impact
5. Recognizes the recreational and aesthetic value of the area to residents and visitors, and,
6. Ensures consistency of actions.

POLICY FUNDAMENTALS

The following Policy Fundamentals provide the foundation for the shoreland management standards and criteria of this Shoreland Management Plan. These policies are intended to serve as general guidelines upon which more specific shoreland management policies and implementation strategies will be built. These fundamentals are not prioritized.

1. Shoreland use should first satisfy the economic, social and environmental need of the North Shore region and its people.
2. Shoreland areas particularly suited for specific and appropriate use should be designated and reserved for such use through shoreland use districts.

3. Shoreland areas unsuitable for development because of public health or physical limitations should be designated and managed to encourage appropriate use.
4. Where feasible, shoreland use should restore, enhance, or maintain the land and water environments.
5. Shoreland use should not negatively affect the economic base of the area.
6. Shoreland development should be encouraged in areas where public services and facilities essential to such development are adequate.
7. Like or compatible shoreland use should be located in an orderly manner rather than developed at random.
8. All shoreland use should be located, designed, constructed and operated in a manner that assures minimal impact on surrounding lands and waters and their use.
9. All shoreland use should be aesthetically compatible with the natural environment.
10. Scenic, aesthetic, geologic and ecological qualities of natural and developed shoreland should be recognized and where possible preserved as valuable resources.
11. Fish and wildlife habitats should be protected, preserved and where practical restored or enhanced so as to maintain their viability as habitats.
12. Structures, areas or sites that are of significance in the history, architecture, archeology or culture of the North Shore should be identified and protected, enhanced or restored.
13. All proposed governmental agency management decisions and plans within the North Shore planning area should be consistent with the policies, standards and criteria of this plan and be coordinated through the North Shore Management Board.
14. All North Shore management actions shall protect and enhance the public health and safety of residents and visitors.
15. Existing public access areas should be protected and maintained. Additional public access opportunities should be pursued.
16. Lake Superior's land and water resources should be locally managed and protected recognizing their statewide and national significance.

SHORELAND ALTERATIONS

Goal

To maintain the natural character of the North Shore as much as possible and minimize soil erosion while allowing for permitted development under the North Shore Management Plan.

Objective 1

To maintain natural vegetative cover in so far as possible, the following policies shall apply. A vegetation management plan will be required for total vegetation removal of over 10,000 square feet or 25% of the lot area, whichever is lesser.

Policies

- a) Removal of woody vegetation shall be restricted on bluffs, steep slopes, and within the structure setback area (the area between vegetation line and structure setback line) to maintain stable soil conditions.
- b) Removal of woody vegetation shall be limited so as to screen structures, clear cuts, parked vehicles or other facilities from public roads and Lake Superior. Selective removal of woody vegetation shall be allowed to provide a reasonable view of the Lake from individual residences.
- c) All proposed clearcutting, whether by public utilities or private entities, shall be reviewed and approved by the local unit of government and shall be carried out consistent with this plan.
- d) Woody vegetation shall be preserved as much as possible along D.N.R. designated trout streams to provide for shade coverage, thereby maintaining lower stream temperatures.

- e) Private forest management including pruning, trimming, and planting of vegetation shall be encouraged through consultation with D.N.R., Agriculture Extension, or other appropriate agencies.
- f) Private driveways shall blend into the existing terrain as much as possible and public utility lines to private landowners shall be buried if at all possible.
- g) Significant public view corridors from public rights of way to Lake Superior or unique uphill features should be identified and vegetation removal be encouraged to enhance these views. A plan for vegetation alterations for each should be developed and clear cutting is specifically discouraged for this purpose.

Objective 2

To Maintain wetlands.

Policies

- a) Alterations to wetlands shall not be permitted unless part of an approved site development plan. Any alterations shall be permitted by the D.N.R. and U.S. Army Corps of Engineers as required.
- b) Alterations to wetlands, if permitted, shall require suitable mitigation.
- c) Wetlands shall be identified on the site development plan.

Objective 3

To maintain natural topography and minimize soil erosion, the following policies shall apply. An erosion and sediment control plan shall be required under the following circumstances: 1. for excavations exceeding 1,000 square feet or 100 cubic yards; 2. for fill exceeding 1,000 cubic yards and; 3. for any shoreland alteration exceeding 50 cubic yards within the structure setback area. Shoreland alterations done in connection with work authorized by a building or sewage disposal permit shall be exempt from the erosion control plan requirements.

Policies

- a) Erosion and sediment control plans shall be reviewed by the local Soil and Water Conservation District and approved by the local zoning office prior to the start of the land alteration work.

- b) Alterations must be designed and conducted in a manner which insures that only the smallest amount of bare ground is exposed for the shortest time possible.
- c) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetative cover must be established as soon as possible.
- d) Methods to minimize soil erosion and to trap sediment before they reach any surface water feature must be used. Such methods shall be in place before development occurs.
- e) Altered areas must be stabilized to acceptable erosion control standards consistent with the Field Office Technical Guides of the local Soil and Water Conservation Districts and the U.S. Soil Conservation Service.
- f) Fill or excavated material must be stabilized to prevent erosion and slope failure.
- g) Fill or excavated material must not be placed on steep slopes, except as designed by qualified professionals.
- h) Approved permanent erosion control practices should be maintained.

Objective 4

Alterations below the Ordinary High Water Level of lakes and streams shall follow accepted practices. Any alterations shall be first permitted by the D.N.R. and U.S. Army Corps of Engineers, as required.

Objective 5

To encourage restoration of disturbed areas along the North Shore where feasible.

Policies

- a) Utilize existing Soil and Water Conservation District Programs.
- b) Encourage new programs to beautify Minnesota's North Shore.

EROSION HAZARD AREAS

Goal

To protect public and private property and protect public interest and safety by guiding development in areas prone to excessive shoreline erosion.

Objective 1

To promote awareness and understanding of shoreline erosion, lake levels, and natural shoreline processes.

Policies

- a) The North Shore Management Board should encourage the development and distribution of informational materials about shoreline erosion, lake levels, and natural shoreline processes.
- b) The North Shore Management Board should facilitate the formation of a continuing committee charged with development, distribution, and evaluation of educational material about shoreline erosion, lake levels, and natural shoreline processes.
- c) The North Shore Management Board should facilitate the collection, storage, and cataloguing of information pertaining to shoreline erosion, lake levels, and natural shoreline processes. A central repository should be designated that will distribute information to the libraries of Minnesota's North Shore area.
- d) Locate and compile existing data on North Shore shoreline erosion, lake levels, and natural shoreline processes. Possible sources include:
 - Minnesota Department of Natural Resources
 - International Joint Commission
 - Environmental Protection Agency, Great Lakes Region Office
 - Soil Conservation Service, Red Clay Project
 - U.S. Corps of Engineers
 - Natural Resources Research Institute
 - Minnesota Department of Transportation
 - National Oceanic and Atmospheric Administration

Objective 2

To define and identify Erosion Hazard Areas.

Policies

- a) Erosion Hazard Areas shall be defined as those areas of Lake Superior's North Shore where the long term average annual rate of recession is one foot or greater per year.

- b) Erosion Hazard Areas as presently defined and identified by the Erosion Sub-committee may be refined at a later date by the North Shore Management Board based upon further research and new information.

Objective 3

To designate special provisions for Erosion Hazard Areas.

Policies

- a) Erosion Hazard Areas will be identified as an "overlay district" along with the shoreland management areas as identified in the Shoreland Use Guide Plan.
- b) At the time of permitting and/or sale of a property within an Erosion Hazard Area, there will be a covenant recorded against the property that states that it is in an Erosion Hazard Area and notes that there may be future restrictions subject to local ordinances.
- c) At the time of permitting, areas defined as Erosion Hazard Areas by the North Shore Management Board should have an onsite inspection, as determined by the local unit of government, to inform the landowner of erosion susceptibility.
- d) The burden of proof concerning the suitability of land for the proposed development shall be borne by the project proponent. Accordingly, a site development plan shall be required and approved by the zoning office prior to all new construction in Erosion Hazard Areas. The site development plan shall include a description of:
 - surface runoff including roof drains
 - subsurface runoff
 - vegetation removal including proposed landscaping
 - proposed sewage treatment systems
 - topography of site
 - structure and driveway location
 - potential bluff toe protection
 - slope alterations
 - other pertinent information as requested
- e) The site development plan for Erosion Hazard Areas shall include set-back and shoreline erosion control recommendations, and follow shoreland alteration guidelines.

f) Structure setbacks in Erosion Hazard Areas.

1. Structures and soil absorption areas shall be setback the annual erosion rate times 50 plus 25 feet (to allow for structure relocation) from the top edge of the eroding bluff. Where slumping is evident, the setback shall be measured from the uppermost shear zone (point at which the soil separates and slumping begins). In the absence of an established long term erosion rate, the setback shall be 125 feet.
2. The structure setback and the location of the soil absorption areas can be modified by variance if the landowner provides technical data proving a different recession rate or that the erosion hazard, although correctly estimated, can be mitigated by structural protection.

ADMINISTRATIVE REVIEW

The North Shore Management Board will review certain zoning decisions of cities, counties, and townships. These will include: 1) adopted or amended ordinances regulating the use of land within the North Shore Management planning area, 2) approved variances from a provision of the local land use ordinance which relates to the zoning dimensions of the North Shore Management Plan, 3) approved conditional use decisions affecting the use of land within the North Shore Planning area, 4) approved new subdivision plats, and 5) approved Planned Unit Development plans. Specific review procedures will be developed as a part of the North Shore Management Plan implementation strategies or the Model Ordinance. The DNR, through the area hydrologist, should continue its present valuable role in providing on-going technical assistance and advice to the North Shore units of government in administering and enforcing their shoreland management ordinances.

VARIANCE POLICIES

Variances can only be granted in accordance with Minnesota Statutes Chapter 394 where there are particular hardships which make strict enforcement of official controls impractical. They may not circumvent the general purposes and intent of the North Shore Management Plan. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, boards of adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

CONSISTENCY REVIEW

All proposed major federal and state government agency actions (permit decisions and plan approvals) within the North Shore Planning Area shall first be reviewed by the North Shore Management Board to ensure consistency with the approved North Shore Management Plan.

PLAN CONCEPTS

PROTECTED RESOURCE AREAS (PR)

Area Definition

1. Outstanding or unique natural or scenic areas, both public and private, existing relatively free from human influence.
2. Significant archeological or historic areas.

3. State Parks and other public lands managed for resource conservation or recreation purposes.

Goals

1. To protect, preserve and enhance valuable natural resource, scenic, historic and archeological areas.
2. To allow for limited development which is sensitive to the natural, scenic or historic resource values and development limitations of the area.

Policies

1. The visual impact of altering the landscape and of new development must be minimized.
2. Shoreland development in Protected Resource Areas will be strictly compatible with the scenic and natural qualities of these areas. Performance standard and increased lot sizes, lot widths, and structure setbacks will be utilized, as necessary, to implement this policy.
3. Unique scenic views of Lake Superior and its shoreline as viewed from state parks and other public places along the North Shore will be preserved and enhanced through appropriate performance standards and land use controls.
4. Sensitive orientation, spacing, placement and appearance of all new structures will be encouraged to seek compatibility with the natural topography and vegetation.
5. Uses and activities permitted in location adjacent to Protected Resource Areas will be compatible and ensure that the integrity of the Protected Resource Area will not be compromised.

RESIDENTIAL AREAS (R)

Area Definition

1. Areas presently zoned or developed primarily for residential uses.

2. Areas capable of supporting low to medium density residential uses and compatible uses such as small resorts.
3. Areas where residential planned unit developments could be allowed under special conditions to ensure compatibility with surrounding land use.

Goals

1. To provide a healthy, safe and attractive residential environment.
2. To protect property values and the shoreline environment through the harmonious relationship of land use, highways and natural features.
3. To provide a mix of residential options, both seasonal and year-round.

Policies

1. Sensitive orientation, spacing, placement and appearance of all new structures will be encouraged to seek compatibility with the natural topography and vegetation.
2. Low intensity residential and recreational use are preferred (for example: parks, trails, interpretive centers).
3. Residential planned unit developments may be allowed as a conditional use in residential areas with strict performance standards or other restrictions to ensure compatibility with surrounding residences, land uses and the natural environment.
4. Roads, utilities and public services should be available and adequate to serve existing needs and to accommodate future development.

COMMERCIAL - RURAL AREAS (CR)

Area Definition

1. Unincorporated areas presently zoned or developed for commercial use.
2. Existing commercial nodes with low to medium intensity commercial use such as grocery stores, gas stations or other traditional retail, wholesale or service oriented activities.
3. Areas developed or capable of supporting planned unit commercial developments.
4. Major highway corridor intersections where commercial development should locate to provide needed services and facilities.

Goals

1. To provide commercial facilities which meet the needs of residents and visitors.
2. To provide commercial growth opportunities in or adjacent to existing commercial nodes or important highway corridor intersections.
3. To provide commercial development compatible with the shoreland environment of the North Shore.

Policies

1. Existing commercial centers or nodes should be strengthened; scattered, strip highway commercial development should be discouraged.
2. Commercial development should be not only compatible with surrounding land use, but with the natural topography, vegetation and shoreland environment.
3. Highway oriented commercial development should be carefully related to abutting highways. Service roads should be provided with controlled access, front yard setback be provided and on-site parking should be sufficient to meet estimated needs.
4. Expansion should be provided for all commercial centers and nodes without impacting Residential or Protected Resource Areas.
5. New commercial activities should be encouraged to locate in designated commercial areas and discouraged in other shoreland areas.

6. Commercial activity should be subject to standards for screening, setback, parking, appearance, vegetation removal or other requirements designed to ensure compatibility with existing land use and the shoreland environment.
7. Aesthetic considerations should be addressed through special performance standards, sign control, appearance standards, vegetative screening and other appropriate means.

COMMERCIAL - URBAN AREAS (CU)

Area Definition

1. Sewered areas which are zoned for or developed for commercial use.
2. Areas within incorporated areas which are zoned for or developed for commercial use.

Goals

1. To provide urban-oriented commercial facilities which meet the needs of residents and visitors.
2. To provide commercial growth opportunities in the developed areas along the North Shore.
3. To ensure that new commercial-urban activities are developed in harmony with the unique natural environment of the North Shore.

Policies

1. Commercial development should not only be compatible with surrounding land uses, but with the natural topography, vegetation and shoreland environment.
2. Full utilization of developed urban shoreland should be encouraged before expansion into undeveloped areas is allowed.
3. Priority should be given to water dependent or water oriented commercial activities over others. Commercial use which derives little or no benefit from a shoreland location should be discouraged.
4. Public access to the waterfront should be encouraged. Commercial facilities should be designed to permit pedestrian waterfront access and activities.

5. Light industrial, water dependent activities may be located in commercial-urban areas as a conditional use and must be designed and operated to be compatible with the natural shoreland environment and surrounding land use.
6. Aesthetic consideration should be addressed through special performance standards, sign control, appearance standards, vegetative screening and other appropriate means.

RESORT - COMMERCIAL AREAS (RC)

Area Definition

1. Areas developed or capable of supporting resort commercial operations compatible with the shoreland environment.

Goals

1. To provide for orderly growth opportunities in or adjacent to existing resort commercial activities in order to meet the needs of residents and visitors.
2. To provide resort commercial development compatible with the shoreland environment of the North Shore.

Policies

1. All resort commercial activity shall be compatible with surrounding land use; the natural topography, vegetation and shoreland environment.
2. Commercial activity dependent upon resort activity may be allowed to co-exist with other adjacent or nearby uses if standards are observed for size of lots, screening from adjacent uses, traffic conditions and other concerns that may affect nearby non-commercial property.
3. Aesthetic considerations should be addressed through special performance standards, sign control, appearance standards, vegetative screening and other appropriate means.

INDUSTRIAL AREAS (I)

Area Definition

1. Areas where industrial activities have already located along the shore such as in Two Harbors, Silver Bay and Taconite Harbor.

2. Areas where water dependent, light industrial use can be found to be compatible with the shoreland environment.

Goals

1. To provide opportunities in developed industrial areas that are compatible with adjacent land use, the natural environment, and historical use patterns.
2. To provide for the possibility of future water dependent light industrial activities.

Policies

1. Only water dependent industrial use will be allowed in shoreland areas.
2. Water dependent, heavy industry will be allowed only in areas already developed for heavy industry and only with strict siting and operation standards that minimize their impact on the natural environment. Appropriate local, state and federal siting and operation standards and criteria apply.
3. All industrial use will be designed and located to harmonize with the community appearance and with surrounding land use.
4. Light industry siting standards must consider service needs, utility needs, road access, parking, noise, traffic generation, odors, etc, and means by which to minimize their impacts on adjacent land use.
5. Industrial facilities should permit safe pedestrian waterfront activities and access to the shore. Owners of industrial facilities are encouraged to provide site specific, interpretive, historic and cultural information to the public.
6. Aesthetic considerations should be addressed through special performance standards, sign control, appearance standards, vegetative screening and other appropriate means.

MAP

CONCEPT MAP FOR NORTH SHORE PLANNING AREA

SEE ORIGINAL DOCUMENT

EFFECTUATION

This ordinance shall take effect and be in full force on the 24th day of April, 1990, upon its adoption by the St. Louis County Board of Commissioners and its publication in the official newspaper(s) of St. Louis County as provided by Minnesota Statutes.

Public hearings were held by the St. Louis County Planning Commission on January 18, February 8, and March 14, 1990, and by the St. Louis County Board of Commissioners on April 24, 1990.

Commissioner Lepak moved the adoption of this ordinance, and Commissioner Krueger duly seconded the motion, and the ordinance was adopted on the following vote:

Yeas: Commissioners Doty, Krueger, Kron, Lamppa, Lepak, Raukar, and Chair
Prebich - 7

Nays: None

Absent: None

LIZ PREBICH
Liz Prebich
Chair of the County Board

Certified as a complete and accurate copy of
Ordinance No. 27, Article II, Section 19

RUSSELL PETERSEN
Russell Petersen
County Auditor

ATTEST:
KAREN ERICKSON
Karen Erickson
Clerk of the County Board